FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 867 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM : B.P.DHARMADHIKARI, J.
DATED : MARCH 01, 2007

Heard Advocate Shri Narnaware for petitioner. Learned counsel has pointed out that the complaint filed for regularization of services has been dismissed by the Industrial Court, Nagpur and he has relied upon the facts disclosed in para 8 of the impugned judgment of the Industrial Court. The said paragraph shows that there was some meeting between the Union and the Labour Minister and it was agreed that 110 employees would be provided work daily and they would be regularized as and when post fell vacant. The learned Member of Industrial Court after noticing this, has found that there was no unfair labour practice. However, it has expressed that as per said agreement, it was obligatory for employer to regularize their services depending upon seniority and vacancy position. It

has also observed that the employer was duty bound to apply provisions of Section 25-H of the Industrial Disputes Act.

It is apparent that the basic complaint was for regularization and the facts necessary for the purpose of applying provisions of Section 25-H of the I.D. Act are not available on record. In view of judgment of Hon'ble Apex Court in the case of ***Secretary, State of Karnataka .Vs. Umadevi***, reported at *A.I.R. 2006 S.C. 1806*, in the case of ***Municipal Council, Jabalpur ..Vs. Om Prakash Dubey***, reported at *2007(1) S.C.C. 373* and in case of ***State of Madhya Pradesh .Vs. L.K.Varma***, reported at *A.I.R 2007 SCW 70*, I find that no exception can be taken to the view expressed by the Industrial Court.

Writ Petition is accordingly dismissed. No costs.

JUDGE

Diwale